IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1056 OF 2002
IN
SUIT NO.3459 OF 1999

Kum.Gulab Daulat Ambre Plaintiff

versus

Laxman Daulat Ambre & others Defendants

Kalpesh Kamat i/by M.D.Naik for plaintiff

None for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 30th June 2005

PC :

1. This Notice of Motion is taken out for the following reliefs :-

(a) To recall the order dated August 6, 2001 passed by this Hon'ble Court in Notice of Motion No.3642 of 1999 in Suit No.3459 of 1999;

(b) To recall the order dated February 20, 2002 passed by this Hon'ble Court in Chamber Summons No.75 of 2002 in Suit No.3459 of 1999;

(c) To recall the Judge's Order dated April 5, 2002 passed by this Hon'ble Court in Suit No.3459 of 1995;

(c2) To put/restore Defendant NO.4 back in vacant and peaceful possession of the rooms of Flat No.4 situate on Ground Floor of Laxmi Building, Plot

No.373, 6th Road, S.S.Scheme No.III, Quarters Road, Chembur, Bombay - 400 071 as taken by the Court Receiver, High Court, Mumbai on 19th June, 2002."

This Notice of Motion was moved before a learned Single Judge on 11th April 2002 by advocate for defendant no.4 who take out the same. Learned advocate for the plaintiff Mr.Naik was served and he was present. An ad-interim order was granted on 11th April 2002. Against this ad-interim order the matter was carried in appeal and the Appellate Court by it's order dated 3rd May 2002 in Appeal (Lodging) No.386 of 2002 was pleased to allow the same. In other words, the appeal was allowed and ad-interim order granted by learned Single Judge was vacated. Receiver was directed to execute the order of the learned Single Judge which was sought to be set aside in this Notice of Motion. It is in this light, that none has appeared in support of this Notice of Motion when this matter was placed before me today. In the light of the order of the Appellate Court, nothing survives in this Notice of Motion. Accordingly it is disposed off.

(S.C.DHARMADHIKARI, J.)